

“ WE DELIVER AFFORDABLE AND SUSTAINABLE SOCIAL HOUSING IN JOBURG ”



## JOHANNESBURG SOCIAL HOUSING COMPANY (SOC) Ltd

**BID No**                    **GRIE /001/2022**

**BID NAME**                **THE APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE TRAINING FOR GRIEVANCE AND DISCIPLINARY ACTION PROCEDURES FOR JOSHCO EMPLOYEES.**

**BID DESCRIPTION:**                    **THE APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE TRAINING FOR GRIEVANCE AND DISCIPLINARY ACTION PROCEDURES FOR JOSHCO EMPLOYEES.**

**TOTAL BID AMOUNT (OFFER):**                    .....

**OFFER IN WORDS:**                    .....

**CLOSING DATE:**                    **11:00, Friday, the 25<sup>th</sup> of November 2022**

**NAME OF BIDDER:**                    .....

**CONTACT PERSON:**                    .....

**STREET ADDRESS**                    .....

.....

**TEL:** .....                    **CELL:** .....

**FAX:** .....                    **E-MAIL:** .....

**PREPARED FOR:**  
JOSHCO  
4<sup>th</sup> Floor  
Number 61 Juta Street  
Braamfontein

Switchboard: 011- 406 7300

**CHIEF EXECUTIVE OFFICER  
JOHANNESBURG SOCIAL HOUSING COMPANY**

## INVITATION TO BID: REQUEST FOR PROPOSALS

**JOSHCO** invites all prospective service providers to submit bids in accordance with the Terms of Reference provided in this invitation.

<b>BID NO.</b>	<b>PROJECT NAME</b>
GRIE /001/2022	THE APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE TRAINING FOR GRIEVANCE AND DISCIPLINARY ACTION PROCEDURES FOR JOSHCO EMPLOYEES.
<b>BID CLOSING:</b>	11:00, Friday, the 25 <sup>th</sup> of November 2022, Bids must be delivered at No. 61 Juta Street Ground Floor Reception Braamfontein.

**The Bid evaluation process will be conducted in three stages as follows:**

**Stage 1:** Administrative Compliance.

**Stage 2:** Preferential Procurement Policy Regulations of 2017 using the 80:20 points system, where 80 points are allocated to price and 20 points are allocated to B-BBEE Level of Contribution

**Stage 3:** Award Criteria

- ✓ Preference for the award will be given to bidders who are at least **51% owned by black people:**

All enquiries (**Only**) regarding this bid must be directed **in writing** to the JOSHCO Supply Chain Department, contact person: **Lehlohonolo Molesiswa**, e-mail address: [lehlohonolo@joshco.co.za](mailto:lehlohonolo@joshco.co.za)

***Should you not receive communication from JOSHCO within 5 days of submitting your bid; accept your submission is unsuccessful.***

\_\_\_\_\_  
Supply Chain Management  
Johannesburg Social Housing Company

Date: .....

**THE EVALUATION OF THE QUOTE WILL BE CONDUCTED IN FIVE STAGES AS FOLLOWS:**

<p><b>STAGE 1:</b></p> <p>❖ Administrative Compliance</p>	<p><b>CRITERIA</b></p> <p><b>Primary:</b></p> <p>1.1. Valid SARS Tax Clearance Certificate or confirmation of SARS pin</p> <p>1.2. Up to date municipal account/statement for both the company and its active directors (not older than 3 months) in case where a bidder or the director is a lessee, a signed certified copy of a valid lease agreement must be supplied</p> <p>1.3. Certified ID copies of all directors.</p> <p>1.4. Completed and signed FORM OF OFFER (Cover page)</p> <p>1.5. Central Supplier Database (CSD) report</p> <p>1.6. In the case of a JV, an original JV Authority of Signatory, JV agreement and a Consolidated B-BBEE Certificate from an approved verification agency for the JV must be submitted.</p> <p>1.7. Cancelled cheque or an original letter from Bank not older than 3 months confirming bank account details.</p> <p><b><i>Service Providers who fail to submit the above will be awarded on condition.</i></b></p>	<p><b>MEANS OF VERIFICATION</b></p>
<p><b>STAGE 2:</b></p> <p>❖ Preferential Procurement points System</p>	<p>Bidders will be evaluated in terms of Preferential Procurement Policy Regulations of 2017 using the 80:20 points system, where by 80 points will be allocated for price and 20 points allocated for B-BBEE status level of contribution.</p>	
<p><b>Stage 3:</b></p> <p>❖ Award Criteria</p>	<p><b>CRITERIA</b></p> <p>Preference for the award will be given to bidders who are at least 51% owned by black people</p>	<p><b>MEANS OF VERIFICATION</b></p> <p>6.1. The bidders B-BBEE certified certificate or independent confirmation of the bidders BEE status level of contribution</p> <p>6.2. The bidders certified CIPC or CK documents</p>

## 1. PROPRIETARY INFORMATION

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**JOHANNESBURG SOCIAL HOUSING COMPANY**, hereafter referred to as **JOSHCO** considers this Quote and all related information, either written or verbal, which is provided to the respondent, to be proprietary to JOSHCO. It shall be kept confidential by the respondent and its officers, employees, agents and representatives. The bidders shall not disclose, publish, or advertise this specification or related information to any third party without the prior written consent of JOSHCO.

## 2. ENQUIRIES

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All communication and/or pertinent enquiries for information of any kind relative to this Bid should be channelled to:

Contact person (all technical questions should be in writing):

<b>Name &amp; Surname</b>	Lehlohonolo Molesywa
<b>Telephone Number (Office)</b>	(+27) 27 273 5115
<b>Email Address</b>	<a href="mailto:lehlohonolo@joshco.co.za">lehlohonolo@joshco.co.za</a>

Bidders may not contact any other JOSHCO employee besides contact person mentioned above on any matter pertaining to this bid from the time when bid is advertised to the time the bid is awarded.

Any effort by a bidder to influence bid evaluation, bid comparisons or bid award decisions in any manner, may result in rejection of the bid concerned.

## 3. BID VALIDITY PERIOD

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Responses to this bid received from bidders will be valid for a period of **60 Calendar**

**Days**, counted from the closing date of the quote.

#### 4. INSTRUCTIONS ON SUBMISSION OF QUOTES

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- 4.1. Bidders should submit completed bid documents and returnable to **No. 61 Juta Street Ground Floor Reception Braamfontein**
- 4.2. Bids must be submitted in a prescribed response format herewith enclosed as 'Response Format'.
- 4.3. The closing date, company name and the return address must also be endorsed on the envelope.
- 4.4. If a courier service company is being used for delivery of the quote document, the quote description must be endorsed on the delivery note/courier packaging and the courier must ensure that documents are placed / deposited into the quote box. **JOSHCO** will not be held responsible for any delays where quote documents are handed to the **JOSHCO** Receptionist and/or arrives late.
- 4.5. No bids received by telegram, telex, email, facsimile or similar medium will be considered.
- 4.6. Where a quote document is not in the quote box at the time of the quote closing, such a quote document will be regarded as a late quote. **JOSHCO** reserves the right not to consider/evaluate any late quote response.
- 4.7. Amended bids may be sent in an envelope marked "Amendment to bid" and should be placed in the quote box before the closing time.

#### 5. PREPARATION OF BID RESPONSE

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- 5.1. All the documentation submitted in response to this bid must be in English.
- 5.2. The bidder is responsible for all the cost that they shall incur related to the preparation and submission of the quote document.
- 5.3. Bids submitted by bidders must be signed by a person or persons duly authorised thereto by a resolution of a Board of Directors, a copy of which Resolution, duly certified be submitted with the Quote.
- 5.4. Bidders should check the numbers of the pages to satisfy themselves that none are missing or duplicated. No liability will be accepted by **JOSHCO** in regard to anything arising from the fact that pages are missing or duplicated.
- 5.5. A valid tax clearance certificate must be included in the bid response.
- 5.6. A copy(s) of certificates from the organizations/ bodies that the bidder is affiliated to must be included in the bid response.

## 6. SUPPLIER PERFORMANCE MANAGEMENT

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- 6.1. Supplier Performance Management is viewed by the **JOSHCO** as critical component in ensuring value for money acquisition and good supplier relations between the **JOSHCO** and all its suppliers.

## 7. JOSHCO'S RIGHTS

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- 7.1. **JOSHCO** is entitled to amend any quote conditions, validity period, specifications, or extend the closing date of quotes before the closing date. All tenderers, will be advised in writing of such amendments in good time.
- 7.2. The **JOSHCO** reserves the right not to accept the lowest bid or any bid in part or in whole. It normally awards the contract to the bidder who proves to be fully capable of handling the contract and whose bid is technically acceptable and/or financially advantageous to the **JOSHCO**.
- 7.3. The **JOSHCO** reserves the right to award this quote as a whole or in part without furnishing reasons.
- 7.4. **JOSHCO** reserves the right at all material times to extend the scope of work relating to this quote to include all or some of the City of Johannesburg's requirements. Should this be the case, as a result thereof all the relevant implications will be negotiated between the **JOSHCO** and the successful bidder.

## 8. UNDERTAKINGS BY THE BIDDER

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- 8.1. The bidder hereby offers to render all or any of the services described in the attached documents to **JOSHCO** on the terms and conditions and in accordance with the terms of reference/ specifications stipulated in this Quote documents.  
**(And which shall be taken as part of, and incorporated into, this Proposal.)**
- 8.2. Bids submitted by prospective bidders must be signed by a person or persons duly authorised thereto by a resolution of a Board of Directors, a copy of which Resolution, duly certified be submitted with the bid.
- 8.3. The bidder hereby agree that the offer herein shall remain binding upon him/her and receptive for acceptance by the **JOSHCO** during the validity period

indicated and calculated from the **closing hour and date of the Quote**; this bid and its acceptance shall be subject to the terms and conditions contained in this quote document.

- 8.4.** The bidder furthermore confirms that he/she has satisfied himself/herself as to the correctness and validity of his/her bid response that the price(s) and rate(s) quoted cover all the work/item(s) specified in the bid response documents and that the price(s) and rate(s) cover all his/her obligations under a resulting contract and that he/she accept that any mistakes regarding price(s) and calculations will be at his/her risk.
- 8.5.** The bidder hereby accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under this agreement as the principal(s) liable for the due fulfilment of this contract.

## **9. REASONS FOR DISQUALIFICATION**

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- 9.1.** **JOSHCO** reserves the right to disqualify any bidder which does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder, however the bidder may be notified in writing of such disqualification:
- 9.1.1.** bidders who submitted incomplete information and documentation according to the requirements of this bid document;
  - 9.1.2.** bidders who submitted information that is fraudulent, factually untrue or inaccurate information;
  - 9.1.3.** bidders who received information not available to other vendors through fraudulent means; and/or; other non-prescribed means;
  - 9.1.4.** Bidders who do not comply with compulsory requirements as stipulated in this bid document.

## **10. EVALUATION CRITERIA AND WEIGHTINGS**

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Bidders shall be evaluated in terms of the following parameters:

### **10.1. BID EVALUATION**

Bids will be evaluated in accordance with the following technical criteria:

#### **10.1.1. Compulsory Requirements**

All bid responses that do not meet compulsory requirements will be disqualified and will not be considered for further evaluation.

## 1. BACKGROUND INFORMATION

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### 1.1. About JOSHCO

JOSHCO, acting as the agent of the City of Johannesburg (COJ), is inviting proposals from contractors. For information purposes and to enquire as regards to who JOSHCO is and what they do please visit the website at [www.JOSHCO.co.za](http://www.JOSHCO.co.za). It has been assumed that the service provider is familiar with the business of JOSHCO and fully understands its mandate and general day-to-day business activities and what its vision and mission is in terms of providing housing.

## 2. SCOPE OF WORKS

The training course should cover the below key points:

1. Overview of **Training for Grievance and Disciplinary Action Procedures**
  - Equip the learner with the requisite knowledge, skills and values required by public service officials that are expected to resolve employee grievances; monitor and adjust the application of the grievance procedure; evaluate, analyse, and address grievance patterns.
2. Roles, responsibilities and functions of **Grievance and Disciplinary Action Procedures**
  - Develop structures and procedures to resolve employee grievances.
  - Implement structures and procedures to resolve employee grievances.
  - Monitor the application of the grievance procedure and adjust when required.
  - Evaluate, analyse, and address grievance patterns.
3. Understanding **Grievance and Disciplinary Action Procedures**
  - Identify and classify transgressions.
  - Implement procedure to handle non-dismissible offences.



- Implement procedure to handle dismissible offences.
- Represent employee at disciplinary hearing; and
- Monitor the application of the grievance procedures and adjust when required.

### 3. DURATION OF THE SERVICE

The period of the **Training for Grievance and Disciplinary Action Procedures For Joshco Employees** is for one day training session from the date of the receipt of the Purchase Order/Appointment Letter to final output delivery.

### PRICING SCHEDULE

ITEM No	DESCRIPTION	Unit	Qty	TOTAL AMOUNT
1	Training session for (100 employees) for Two d It must include <b>Training material with stationery (Notebooks, pens/pencil, manual)</b>		100	
2	Water and sweets per session, Coffee, tea, and various pastry in-between sessions) Provide Venue		100	
3	Lunch to include soft drinks and dumplings, pap, rice, stew, chicken, salad, vegetables		100	
4	Facilitator (Training and presentations)		1	
5	Venue (inclusive of conference package) the venue must within the Inner-city, Braamfontein or Rosebank		1	
	Sub-Total A			
	VAT			
	<b>TOTAL TO OFFER (to be taken to cover page – Form Of offer)</b>			

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE JOHANNESBURG SOCIAL HOUSING COMPANY (SOC) LTD

BID NUMBER: .....CLOSING DATE: .....

CLOSING TIME: .....

DESCRIPTION.....

**The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).**

BID DOCUMENTS MAY BE POSTED TO:

.....

Or

DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

.....

.....

.....

**Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.**

The bid box is generally open during working hours i.e. 08:00 – 16:00

Monday to Friday.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER

.....

POSTAL ADDRESS

.....

STREET ADDRESS

.....

TELEPHONE NUMBER  
CODE.....NUMBER.....  
CELLPHONE NUMBER.....  
FACSIMILE NUMBER  
CODE.....NUMBER.....  
E-MAIL ADDRESS: .....  
VAT REGISTRATION NUMBER  
.....

HAS A VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED / SARS Pin? **(MBD 2)**  
**YES or NO**  
HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? **(MBD 6.1)**  
YES or NO IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)  
**YES or NO**  
A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM  
(SANAS); OR **YES or NO**  
A REGISTERED AUDITOR **YES or NO**

**(A B BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B BBEE)**

ARE YOU THE ACCREDITED REPRESENTATIVE?  
IN SOUTH AFRICA FOR THE GOODS | SERVICES | WORKS OFFERED? **YES or NO**  
[IF YES ENCLOSE PROOF]

SIGNATURE OF BIDDER.....  
DATE .....  
CAPACITY UNDER WHICH THIS BID IS  
SIGNED.....  
TOTAL BID PRICE.....  
TOTAL NUMBER OF ITEMS OFFERED .....

**MBD 2**

**TAX CLEARANCE CERTIFICATE REQUIREMENTS**

**It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.**

- 1 In order to meet these requirements bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The valid Tax Clearance Certificate/ SARS Pin must be submitted together with the bid. Failure to submit a valid Tax Clearance Certificate/SARS Pin may result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate/ SARS pin.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
- 6 Applications for the Tax Clearance Certificates may also be made via e-filing. In order to use this provision, taxpayers will need to register with SARS as filers through the website [www.sars.gov.za](http://www.sars.gov.za).

**SARS Pin .....**

**Consortia/Joint Ventures/sub-contractor**

**Company Name.....**

**SARS Pin Number .....**

**Company Name .....**

**SARS Pin Number .....**

**Company Name.....**

**SARS Pin Number.....**

**MBD 3.3**

**PRICING SCHEDULE**

NAME OF BIDDER: .....
BID NO.: .....
CLOSING TIME .....
CLOSING DATE.....

OFFER TO BE VALID FOR ...**120**...DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
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1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. R.....
3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

<b>4. PERSON AND POSITION</b>	<b>HOURLY RATE</b>	<b>DAILY RATE</b>
.....	R.....	.....
.....	R.....	.....
.....	R.....	.....
.....	R.....	.....
.....	R.....	.....

<b>5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT</b>		
.....	R.....	.....days
.....	R.....	.....days
.....	R.....	.....days
.....	R.....	.....days

5.1 Travel expenses (specify, for example rate/km and total km, class of air travel, etc.). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

TOTAL: R.....

\*\* "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

5.2 Other expenses, for example accommodation (specify, eg. Three tar hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid  
.....

7. Estimated man-days for completion of project.....

8. Are the rates quoted firm for the full period of contract? **\*YES/NO**

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

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.....

**MBD 4**

**DECLARATION OF INTEREST**

- 1. No bid will be accepted from persons in the service of the state
- 2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

**3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 **Full Name:** .....

3.2 **Identity Number:** .....

3.3 **Company Registration Number:** .....

3.4 **Tax Reference Number:** .....

3.5 **VAT Registration Number:** .....

3.6 Are you presently in the service of the state **YES / NO**

3.6.1 If so, furnish particulars.

.....  
.....

3.7 Have you been in the service of the state for the past twelve months? **YES / NO**

3.7.1 If so, furnish particulars.

.....  
.....

\* MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
  - (i) any municipal council;
  - (ii) any provincial legislature; or
  - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

**3.8.** Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the Evaluation and or adjudication of this bid? **YES / NO**

Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

3.8.1 If so, furnish particulars.

.....  
.....

**3.9** Are you, aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

Are you, aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or Adjudication of this bid?

**3.9.1** If so, furnish particulars

.....  
.....

**3.10** Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state? **YES / NO**  
If so, furnish particulars.

.....  
.....

**3.11** Are any spouses, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state? **YES / NO**

3.11.1 If so, furnish particulars.

.....  
.....



**CERTIFICATION**

I, THE UNDERSIGNED (NAME) .....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

**Signature:**

**Date:**

.....

**Position:**

**Name of Bidder:**

.....

**MBD 6.1**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

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**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

	<b>POINTS</b>
<b>1.3.1.1 PRICE</b>	.....
<b>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	.....
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that

preference points for B-BBEE status level of contribution are not claimed.

- 1.5. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

## **2. DEFINITIONS**

- 2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad -Based Black Economic Empowerment Act;
- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with annual total revenue of R5 million or less
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of

a bidder;

- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at  
The time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### **3. ADJUDICATION USING A POINT SYSTEM**

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

## 1. POINTS AWARDED FOR PRICE

### 4.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:

#### **80/20 Preference System:**

$$Ps = 80 \left( 1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

## 2. Points awarded for B-BBEE Status Level of Contribution

- 2.1. in terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (80/10 system)</b>
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 2.2. Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 2.3. Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 2.4. A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 2.5. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 2.6. Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

- 2.7. A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub- contractor is an EME that has the capability and ability to execute the sub-contract.
- 2.8. A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

**3. BID DECLARATION**

- 3.1. Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

**4. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5**

- 4.1. B-BBEE Status Level of Contribution: ..... = .....(maximum of 10 points)

**(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).**

**5. SUB-CONTRACTING**

8.1 Will any portion of the contract be sub-contracted? **YES / NO** (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?.....%
- (ii) the name of the sub-contractor? .....
- (iii) the B-BBEE status level of the sub-contractor? .....
- (iv) whether the sub-contractor is an EME? **YES / NO** (delete which is not applicable)

**9 DECLARATION WITH REGARD TO COMPANY/FIRM**

- 9.1 Name of firm .....
- 9.2 VAT registration number :.....
- 9.3 Company registration number: .....
- 9.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

**[TICK APPLICABLE BOX]**

**9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

**9.6 COMPANY CLASSIFICATION**

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

**[TICK APPLICABLE BOX]**

**9.7 MUNICIPAL INFORMATION**

Municipality where business is situated .....

Registered Account Number .....

Stand Number .....

**9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?**

.....

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;



(iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have

–

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution

**WITNESSES:**

1. ....

2. ....

DATE:.....

.....  
**SIGNATURE(S) OF BIDDER(S)**

**CONTRACT FORM - RENDERING OF SERVICES**

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

**PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)**

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
  
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Filled in task directive/proposal;
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of bidder's past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) Other (specify)

- 3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
- 4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
- 5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
- 6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

<b>WITNESSES</b>	
<b>1</b>	.....

**MBD 7.2**

**CONTRACT FORM - RENDERING OF SERVICES**

**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I..... in my capacity  
as..... Accept your bid under reference  
number .....dated.....for the rendering of services indicated  
hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms  
and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorized to sign this contract.

**SIGNED AT** ..... **ON** .....

**NAME (PRINT)**.....

**SIGNATURE** .....

**OFFICIAL STAMP**

**WITNESSES**

1 .....

2 .....

**DATE:** .....

**MBD 8**

**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. Failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?  <b>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Quote Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?  <b>The Register for Quote Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

**I, THE UNDERSIGNED (FULL NAME)**

.....

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

## **MBD 9**

### **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1. This Standard Bidding Document (MBD) must form part of all bids<sup>1</sup> invite

Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

2. Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:

- a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
- b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

3. This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

4. In order to give effect to the above, the attached Certificate of Bid Determination **(MBD 9)** must be completed and submitted with the bid:

<sup>1</sup> **Includes price quotations, advertised competitive bids, limited bids and proposals.**

<sup>2</sup> **Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.**

<sup>3</sup> **Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;



- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
- 6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
- 7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the

public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder